

UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA

BRYAN HOLTZCLAW,

Plaintiff,

v.

ADAM LAXALT et al.,

Defendants.

Case No. 2:19-cv-00041-RFB-NJK

ORDER

This action began with a *pro se* civil rights complaint filed pursuant to 42 U.S.C. § 1983 by a state prisoner. Plaintiff has submitted an application to proceed *in forma pauperis*. Docket No. 4. Based on the financial information provided, the Court finds that Plaintiff is unable to prepay the full filing fee in this matter.

The Court entered a screening order on February 17, 2020. Docket No. 14. The screening order imposed a 90-day stay and the Court entered a subsequent order in which the parties were assigned to mediation by a court-appointed mediator. Docket Nos. 14, 40. The Office of the Attorney General has now filed a status report indicating that settlement has not been reached and informing the Court of its intent to proceed with this action. Docket No. 43.

For the foregoing reasons, **IT IS ORDERED** that:

1. Plaintiff's application to proceed *in forma pauperis*, Docket No. 4, is **GRANTED**. Plaintiff shall not be required to pay an initial installment of the filing fee. In the event that this action is dismissed, the full filing fee must still be paid pursuant to 28 U.S.C. § 1915(b)(2).

2. The movant herein is permitted to maintain this action to conclusion without the necessity of prepayment of any additional fees or costs or the giving of security therefor. This order granting leave to proceed *in forma pauperis* shall not extend to the issuance and/or service of subpoenas at government expense.

3. Pursuant to 28 U.S.C. § 1915(b)(2), the Nevada Department of Corrections shall pay to the Clerk of the United States District Court, District of Nevada, 20% of the preceding

1 month's deposits to Plaintiff's account (**Bryan Holtzclaw, #73459**), in the months that the account  
2 exceeds \$10.00, until the full \$350.00 filing fee has been paid for this action. The Clerk of the  
3 Court shall **SEND** a copy of this order to the Finance Division of the Clerk's Office. The Clerk  
4 of the Court shall also **SEND** a copy of this order to the attention of the Chief of Inmate Services  
5 for the Nevada Department of Corrections, P.O. Box 7011, Carson City, NV 89702.

6 4. The Clerk of the Court shall electronically **SERVE** a copy of this order and a copy  
7 of Plaintiff's complaint, Docket No. 16, on the Office of the Attorney General of the State of  
8 Nevada by adding the Attorney General of the State of Nevada to the docket sheet. This does not  
9 indicate acceptance of service.

10 5. Service must be perfected no later than December 1, 2020, pursuant to Fed. R. Civ.  
11 P. 4(m).

12 6. Subject to the findings of the screening order, Docket No. 14, no later than  
13 September 23, 2020, the Attorney General's Office shall file a notice advising the Court and  
14 Plaintiff of: (a) the names of the defendants for whom it accepts service; (b) the names of the  
15 defendants for whom it does not accept service, and (c) the names of the defendants for whom it  
16 is filing the last-known-address information under seal. As to any of the named defendants for  
17 whom the Attorney General's Office cannot accept service, the Office shall file, under seal, but  
18 shall not serve the inmate Plaintiff the last known address(es) of those defendant(s) for whom it  
19 has such information. If the last known address of the defendant(s) is a post office box, the  
20 Attorney General's Office shall attempt to obtain and provide the last known physical address(es).

21 7. If service cannot be accepted for any of the named defendant(s), Plaintiff shall file  
22 a motion identifying the unserved defendant(s), requesting issuance of a summons, and specifying  
23 a full name and address for the defendant(s). For the defendant(s) as to which the Attorney General  
24 has not provided last-known-address information, Plaintiff shall provide the full name and address  
25 for the defendant(s).

26 8. If the Attorney General accepts service of process for any named defendant(s), such  
27 defendant(s) shall file and serve an answer or other response to the complaint, Docket No. 16, no  
28 later than November 2, 2020.

10. This case is no longer stayed.

  
NANCY J. KOPPE  
UNITED STATES MAGISTRATE JUDGE